

ESTTA Tracking number: **ESTTA109001**

Filing date: **11/10/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Rational Enterprises Limitada
Granted to Date of previous extension	11/12/2006
Address	EL PATIO BLDG, PLAZA ROBLE CORPC/O FACIO GUACHIPELIN ESCAZU, COSTA RICA
Attorney information	Roberta Horton Arnold & Porter LLP 555 Twelfth Street, N.W. IP Docketing Washington, DC 20004 UNITED STATES trademarkdocketing@aporter.com, Roberta_Horton@aporter.com Phone: 202-942-5161

Applicant Information

Application No	78464752	Publication date	05/16/2006
Opposition Filing Date	11/10/2006	Opposition Period Ends	11/12/2006
Applicant	HSOR, LLC 136 Lakeside Avenue Verona, NJ 07044 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer game software and video game software
Class 025. All goods and services in the class are opposed, namely: Clothing, namely, t-shirts, shirts, jackets, jerseys, sweaters, sweatshirts, caps, hats, visors
Class 028. All goods and services in the class are opposed, namely: Games, game tables and playthings, namely, playing cards and chips, board games, hand held units for playing electronic games, hand held units for playing video games, and toys, namely, battery-powered computer games with LCD screen which features animation and sound effects, and accessories therefor
Class 041. All goods and services in the class are opposed, namely: Organizing, conducting and exhibiting poker tournaments

Attachments	POKER SUPERSTARS Notice of Opposition.pdf (5 pages)(258474 bytes)
Signature	/Roberta L. Horton/
Name	Roberta Horton
Date	11/10/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 78/464,752

Mark: POKER SUPERSTARS INVITATIONAL TOURNAMENT

Published: May 16, 2006

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RATIONAL ENTERPRISES LIMITADA,)	
)	
Opposer,)	
)	
v.)	Opposition No.: _____
)	
HSOR, LLC,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Rational Enterprises Limitada, a corporation organized and existing under the laws of Costa Rica, having a business address at c/o Facio Abogados, 3rd Floor El Patio Building, Plaza Roble Corporate Centre Guachipelin Escazu, Costa Rica (hereinafter "Opposer"), believes that it will be damaged by registration of the mark shown in Application Serial No. 78/464,752 filed by HSOR, LLC (hereinafter "Applicant"), and hereby opposes same under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

As grounds for opposition, Opposer alleges that:

1. Applicant seeks to register POKER SUPERSTARS INVITATIONAL TOURNAMENT as a mark for "computer game software and video game software" in Class 09, "clothing, namely, t-shirts, shirts, jackets, jerseys, sweaters, sweatshirts, caps, hats, visors" in Class 25, "games, game tables and playthings, namely, playing cards and chips, board games,

hand held units for playing electronic games, hand held units for playing video games, and toys, namely, battery-powered computer games with LCD screen which features animation and sound effects, and accessories therefor” in Class 28, and “organizing, conducting and exhibiting poker tournaments” in Class 41.

2. The opposed Application Serial No. 78/464,752 was filed on August 10, 2004, based on an alleged *bona fide* intention to use the mark in commerce. The application is currently still based on a *bona fide* intention to use the mark in commerce.

3. Opposer began using its POKERSTARS mark at least as early as May 31, 2001, and Opposer has continuously used the POKERSTARS mark in commerce in connection with gaming related goods and services. Through extensive promotion and use of the POKERSTARS mark, Opposer has built a strong national reputation for high-quality goods and services offered under its POKERSTARS mark. Accordingly, Opposer’s POKERSTARS mark has come to symbolize Opposer and its goods and services.

4. Opposer is the owner of U.S. Application Serial No. 78/542,627, for the mark POKERSTARS for “downloadable computer card game software and computer gambling game software” in Class 9 and “on-line entertainment in the nature of card games and gambling tournaments and competitions; casino on-line services featuring interactive multi-player card games and gambling; organization of and administration of card games and contests, interactive games of chance, on-line card games and gambling contests, and on-line games of chance for entertainment purposes; providing newsletters in the field of on-line and off-line gambling via email; providing information on-line related to internet gambling and computer games of chance” in Class 41. Opposer’s application reflects a first use date of May 2001, well before the Applicant who has not even claimed a date of first use or first use in commerce.

5. On information and belief, the services and goods offered by Applicant as set forth in Application Serial No. 78/464,752 are identical or closely related to those in connection with which Opposer has used and is using its POKERSTARS mark.

6. On information and belief, Applicant's services and goods are offered to the same class of consumers who purchase the goods and services with which Opposer has used and now uses its POKERSTARS mark.

7. Opposer's rights in its POKERSTARS mark predate the filing date of Application Serial No. 78/464,752, and on information and belief, Opposer's rights in its POKERSTARS mark predate any rights upon which the Applicant can rely.

8. The Applicant's applied-for mark POKER SUPERSTARS INVITATIONAL TOURNAMENT is similar to Opposer's POKERSTARS mark in sight, sound, and meaning, such that if the Applicant's mark is used in connection with the goods and services identified in Application Serial No. 78/464,752, it would be likely to cause confusion, mistake or deception in the relevant trade and public, all to Opposer's damage.

9. Potential customers for Applicant's goods and services are likely to believe that such goods and services originate with or are sponsored or approved by Opposer, when in fact they are not, resulting in damage to Opposer.

10. If Applicant is granted the registration herein opposed, it would obtain a *prima facie* exclusive right to use the applied-for mark, which would be a further source of damage to Opposer.

WHEREFORE, Opposer requests that this Opposition be sustained, that Application Serial No. 78/464,752 be rejected, and the applied-for mark be refused registration. Please charge any fee that may be due or credit any overpayment to Deposit Account No. 50-2387.

Respectfully Submitted,

RATIONAL ENTERPRISES
LIMITADA

By Its Attorneys



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(202) 942-5000
Attorneys for Opposer

Dated: November 10, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

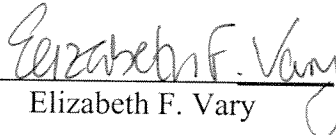
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Applicant.)	
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I hereby certify that the foregoing Notice of Opposition is being filed
electronically, on November 10, 2006 with the U.S. Patent and Trademark Office,
Trademark Trial and Appeal Board.


Elizabeth F. Vary